



2. Defendant denies Paragraph 2.
3. Defendant admits the allegation in Paragraph 3 that venue is proper in the Southern District of Texas, Houston Division, but Defendant denies the stated basis for that allegation.
4. Defendant denies Paragraph 4.
5. Defendant admits Paragraph 5.
6. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 6 and, accordingly, denies Paragraph 6.
7. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 7 and, accordingly, denies Paragraph 7.
8. Defendant admits that the Trustee states in Paragraph 8 that the Trustee will use the stated abbreviation in the complaint; otherwise, denied.
9. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 9 and, accordingly, denies Paragraph 9.
10. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 10 and, accordingly, denies Paragraph 10.
11. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 11 and, accordingly, denies Paragraph 11.
12. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 12 and, accordingly, denies Paragraph 12.
13. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 13 and, accordingly, denies Paragraph 13.
14. Defendant admits Paragraph 14.

15. Defendant denies Paragraph 15. Defendant further states that based on information and belief, Watermark Land, LP, a Delaware limited partnership, was converted to Watermark Land, LLC, a Delaware limited liability company, on or about December 31, 2008.

16. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 16 and, accordingly, denies Paragraph 16.

17. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 17 and, accordingly, denies Paragraph 17.

18. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 18 and, accordingly, denies Paragraph 18.

19. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 19 and, accordingly, denies Paragraph 19.

20. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 20 and, accordingly, denies Paragraph 20.

21. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 21 and, accordingly, denies Paragraph 21.

22. Defendant admits Paragraph 22.

23. Defendant admits Paragraph 23.

24. Defendant admits that the Trustee is the appointed trustee as alleged in Paragraph 24; otherwise, denied.

25. Defendant admits the allegations in Paragraph 25; except that Defendant is without knowledge or information sufficient to form a belief of when Royce Homes ceased doing business and, accordingly, denies that alleged fact.

26. Defendant admits the allegation in Paragraph 26 that Royce Homes sold homes in Houston and other markets, but Defendant is without knowledge or information sufficient to form a belief of the remaining characterization of the nature of the business of Royce Homes and, accordingly, denies those allegations.

27. Defendant admits the first and second sentences of Paragraph 27. Defendant denies the factual allegations of the third sentence of Paragraph 27 alleging that Mr. Kopecky was an officer, insider and exercised any control over Royce Homes and/or its related entities. Defendant is without knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 27 and, accordingly, denies the remainder of Paragraph 27.

28. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 28 and, accordingly, denies Paragraph 28.

29. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 29 and, accordingly, denies Paragraph 29.

30. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 30 and, accordingly, denies Paragraph 30.

31. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 31 and, accordingly, denies Paragraph 31.

32. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 32 and, accordingly, denies Paragraph 32.

33. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 33 and, accordingly, denies Paragraph 33.

34. Defendant is without knowledge or information sufficient to form a belief about the

truth of Paragraph 34 and, accordingly, denies Paragraph 34.

35. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 35 and, accordingly, denies Paragraph 35.

36. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 36 and, accordingly, denies Paragraph 36.

37. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 37 and, accordingly, denies Paragraph 37.

38. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 38 and, accordingly, denies Paragraph 38.

39. Defendant denies the factual allegations of Paragraph 39.

40. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 40 and, accordingly, denies Paragraph 40.

41. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 41 and, accordingly, denies Paragraph 41.

42. Defendant admits that the plain terms of the documents construed, taking into account all plain terms, speak for themselves and will be construed by the Court. Defendant is without knowledge or information sufficient to form a belief about the truth of the characterization of the plain terms of these documents referenced in Paragraph 42, and, accordingly, denies such characterization of these documents in Paragraph 42.

43. Defendant admits the first sentence of Paragraph 43. Defendant is without knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 43 and, accordingly, denies the second sentence of Paragraph 43.

44. Defendant denies the factual allegations of the first sentence of Paragraph 44 to the extent that it refers to Mr. Kopecky. Defendant is without knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 44 and, accordingly, denies there remainder of Paragraph 44.

45. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 45 and, accordingly, denies Paragraph 45.

46. Defendant admits Paragraph 46.

47. Defendant admits Paragraph 47 to the extent that Defendant acknowledge the Trustee is seeking alleged ill-gotten gains from the Defendant and other parties; however, Defendant denies any liability under the causes of action set forth in the Complaint.

48. Defendant is of the information and belief that Royce Homes was organized as a Delaware limited partnership as alleged Paragraph 48. Defendant is without knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 48 and, accordingly, denies the remainder of Paragraph 48.

49. Defendant admits the factual allegations of Paragraph 49.

50. Defendant admits that the original general partner of Royce Homes was Hammersmith Group, Inc. as alleged in Paragraph 50. Defendant is without knowledge or information sufficient to form a belief about the truth of the remainder of Paragraph 50 and, accordingly, denies the remainder of Paragraph 50.

51. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 51 and, accordingly, denies Paragraph 51.

52. Defendant is without knowledge or information sufficient to form a belief about the

truth of Paragraph 52 and, accordingly, denies Paragraph 52.

53. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 53 and, accordingly, denies Paragraph 53.

54. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 54 and, accordingly, denies Paragraph 54.

55. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 55 and, accordingly, denies Paragraph 55.

56. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 56 and, accordingly, denies Paragraph 56.

57. Defendant denies Paragraph 57.

58. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 58 and, accordingly, denies Paragraph 58.

59. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 59 and, accordingly, denies Paragraph 59.

60. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 60 and, accordingly, denies Paragraph 60.

61. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 61 and, accordingly, denies Paragraph 61.

62. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 62 and, accordingly, denies Paragraph 62.

63. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 63 and, accordingly, denies Paragraph 63.

64. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 64 and, accordingly, denies Paragraph 64.

65. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 65 and, accordingly, denies Paragraph 65.

66. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 66 and, accordingly, denies Paragraph 66.

67. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 67 and, accordingly, denies Paragraph 67.

68. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 68 and, accordingly, denies Paragraph 68.

69. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 69 and, accordingly, denies Paragraph 69.

70. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 70 and, accordingly, denies Paragraph 70.

71. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 71 and, accordingly, denies Paragraph 71.

72. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 72 and, accordingly, denies Paragraph 72.

73. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 73 and, accordingly, denies Paragraph 73.

74. Defendant denies Paragraph 74.

75. Defendant is without knowledge or information sufficient to form a belief about the



truth of Paragraph 75 and, accordingly, denies Paragraph 75.

76. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 76 and, accordingly, denies Paragraph 76.

77. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 77 and, accordingly, denies Paragraph 77.

78. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 78 and, accordingly, denies Paragraph 78.

79. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 79 and, accordingly, denies Paragraph 79.

80. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 80 and, accordingly, denies Paragraph 80.

81. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 81 and, accordingly, denies Paragraph 81.

82. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 82 and, accordingly, denies Paragraph 82.

83. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 83 and, accordingly, denies Paragraph 83.

84. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 84 and, accordingly, denies Paragraph 84.

85. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 85 and, accordingly, denies Paragraph 85.

86. Defendant is without knowledge or information sufficient to form a belief about the

truth of Paragraph 86 and, accordingly, denies Paragraph 86.

87. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 87 and, accordingly, denies Paragraph 87.

88. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 88 and, accordingly, denies Paragraph 88.

89. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 89 and, accordingly, denies Paragraph 89.

90. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 90 and, accordingly, denies Paragraph 90.

91. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 91 and, accordingly, denies Paragraph 91.

92. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 92 and, accordingly, denies Paragraph 92.

93. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 93 and, accordingly, denies Paragraph 93.

94. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 94 and, accordingly, denies Paragraph 94.

95. As the allegations pertaining to Defendant, Defendant denies the allegations of Paragraph 95 for the reasons set forth in this Answer. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 95 as for the other Defendants and, accordingly, denies this Paragraphs 95 as alleged as for the other Defendants.

96. Defendant incorporate all denials and admissions as set forth above with respect to

each claim set forth in the Original Complaint in response to Paragraph 96.

97. Defendant admits the first sentence of Paragraph 97 to the extent that the Trustee has filed a claim for Breach of Partnership Agreement against the Defendant and other parties. However, Defendant denies that he participated in any breach of any partnership agreement, and accordingly, denies any liability from any alleged Breach of Partnership Agreement.

98. Defendant denies that he owes any duty of good faith as alleged by the Trustee and, alternatively, Defendant denies that he acted in bad faith as alleged in Paragraph 98.

99. Paragraph 99 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 99.

100. Paragraph 100 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 100.

101. Paragraph 101 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 101.

102. Defendant admits that the plain terms of the documents construed, taking into account all plain terms, speak for themselves and will be construed by the Court. Defendant is without knowledge or information sufficient to form a belief about the truth of the characterization of the plain terms of the documents referenced in Paragraphs 102 and, accordingly, denies such characterization of those documents in Paragraphs 102. However, Defendant denies that the Defendant violated any such provisions or acted wrongfully under any of the alleged provisions.

103. Defendant admits that the plain terms of the documents construed, taking into account all plain terms, speak for themselves and will be construed by the Court. Defendant is without knowledge or information sufficient to form a belief about the truth of the characterization of the plain terms of the documents referenced in Paragraphs 103 and, accordingly, denies such characterization of those documents in Paragraphs 103. However, Defendant denies that the Defendant violated any such provisions or acted wrongfully under any of the alleged provisions.

104. Defendant admits that the plain terms of the documents construed, taking into account all plain terms, speak for themselves and will be construed by the Court. Defendant is without knowledge or information sufficient to form a belief about the truth of the characterization of the plain terms of the documents referenced in Paragraphs 104 and, accordingly, denies such characterization of those documents in Paragraphs 104. However, Defendant denies that the Defendant violated any such provisions or acted wrongfully under any of the alleged provisions.

105. Defendant admits that the plain terms of the documents construed, taking into account all plain terms, speak for themselves and will be construed by the Court. Defendant is without knowledge or information sufficient to form a belief about the truth of the characterization of the plain terms of the documents referenced in Paragraphs 105 and, accordingly, denies such characterization of those documents in Paragraphs 105. However, Defendant denies that the Defendant violated any such provisions or acted wrongfully under any of the alleged provisions.

106. Defendant admits that the plain terms of the documents construed, taking into account all plain terms, speak for themselves and will be construed by the Court. Defendant is without knowledge or information sufficient to form a belief about the truth of the characterization of the plain terms of the documents referenced in Paragraphs 106 and, accordingly, denies such

characterization of those documents in Paragraphs 106. However, Defendant denies that the Defendant violated any such provisions or acted wrongfully under any of the alleged provisions.

107. Defendant admits that the plain terms of the documents construed, taking into account all plain terms, speak for themselves and will be construed by the Court. Defendant is without knowledge or information sufficient to form a belief about the truth of the characterization of the plain terms of the documents referenced in Paragraphs 107 and, accordingly, denies such characterization of those documents in Paragraphs 107. However, Defendant denies that the Defendant violated any such provisions or acted wrongfully under any of the alleged provisions.

108. Defendant admits that the plain terms of the documents construed, taking into account all plain terms, speak for themselves and will be construed by the Court. Defendant is without knowledge or information sufficient to form a belief about the truth of the characterization of the plain terms of the documents referenced in Paragraphs 108 and, accordingly, denies such characterization of those documents in Paragraphs 108. However, Defendant denies that the Defendant violated any such provisions or acted wrongfully under any of the alleged provisions.

109. Defendant admits that the plain terms of the documents construed, taking into account all plain terms, speak for themselves and will be construed by the Court. Defendant is without knowledge or information sufficient to form a belief about the truth of the characterization of the plain terms of the documents referenced in Paragraphs 109 and, accordingly, denies such characterization of those documents in Paragraphs 109. However, Defendant denies that the Defendant violated any such provisions or acted wrongfully under any of the alleged provisions.

110. Defendant admits that the plain terms of the documents construed, taking into account all plain terms, speak for themselves and will be construed by the Court. Defendant is without

knowledge or information sufficient to form a belief about the truth of the characterization of the plain terms of the documents referenced in Paragraphs 110 and, accordingly, denies such characterization of those documents in Paragraphs 110. However, Defendant denies that the Defendant violated any such provisions or acted wrongfully under any of the alleged provisions.

111. Defendant denies the allegations in Paragraph 111 that he had and/or exercised any control over Royce Homes or its' General Partner, Hammersmith Group, Inc. Defendant therefore denies that he had any fiduciary duty to Royce Homes or Hammersmith Group, Inc. Defendant further denies that he breach the Royce Homes Partnership Agreement in any manner. Defendant denies the remainder of Paragraph 111.

112. Defendant denies the allegations in Paragraph 112. Defendant denies that he breached any fiduciary duty and/or that he made or allowed to be made any distributions for any payments to Amegy or that he conspired with any party and/or aided and abetted any party to breach the Royce Homes Partnership Agreement.

113. Defendant denies the allegations in Paragraph 113. Defendant denies that he breached any fiduciary duty and/or that he made or allowed to be made any distributions for any payments to Amegy or that he conspired with any party and/or aided and abetted any party to breach the Royce Homes Partnership Agreement.

114. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 114 and, accordingly, denies Paragraph 114.

115. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 115 and, accordingly, denies Paragraph 115. Defendant further denies that he caused Royce Homes to borrow funds and/or pledge Royce Homes' assets in order to make

distributions to any party.

116. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 116 and, accordingly, denies Paragraph 116. Defendant further denies any allegations regarding improper distributions to Defendant.

117. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 117 and, accordingly, denies Paragraph 117.

118. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 118 and, accordingly, denies Paragraph 118.

119. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 119 and, accordingly, denies Paragraph 119.

120. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 120 and, accordingly, denies Paragraph 120.

121. Defendant admits Paragraph 121 to the extent that the items set forth in Paragraph 120 total \$10,365,512.55. Otherwise, Defendant denies Paragraph 121

122. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 122 and, accordingly, denies Paragraph 122.

123. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 123 and, accordingly, denies Paragraph 123.

124. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 124 and, accordingly, denies Paragraph 124.

125. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 125 and, accordingly, denies Paragraph 125.

126. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 126 and, accordingly, denies Paragraph 126.

127. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 127 and, accordingly, denies Paragraph 127.

128. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 128 and, accordingly, denies Paragraph 128.

129. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 129 and, accordingly, denies Paragraph 129.

130. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 130 and, accordingly, denies Paragraph 130.

131. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 131 and, accordingly, denies Paragraph 131.

132. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 132 and, accordingly, denies Paragraph 132.

133. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 133 and, accordingly, denies Paragraph 133.

134. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 134 and, accordingly, denies Paragraph 134.

135. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 135 and, accordingly, denies Paragraph 135.

136. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 136 and, accordingly, denies Paragraph 136.



137. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 137 and, accordingly, denies Paragraph 137.

138. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 138 and, accordingly, denies Paragraph 138.

139. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 139 and, accordingly, denies Paragraph 139.

140. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 140 and, accordingly, denies Paragraph 140.

141. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 141 and, accordingly, denies Paragraph 141.

142. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 142 and, accordingly, denies Paragraph 142.

143. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 143 and, accordingly, denies Paragraph 143.

144. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 144 and, accordingly, denies Paragraph 144.

145. Defendant admits Paragraph 145 to the extent that the items set forth in Paragraph 144 total \$2,667,791.02.

146. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 146 and, accordingly, denies Paragraph 146.

147. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 147 and, accordingly, denies Paragraph 147.

148. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 148 and, accordingly, denies Paragraph 148.

149. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 149 and, accordingly, denies Paragraph 149. Defendant further denies that he breached any fiduciary duty.

150. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 150 and, accordingly, denies Paragraph 150.

151. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 151 and, accordingly, denies Paragraph 151.

152. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 152 and, accordingly, denies Paragraph 152.

153. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 153 and, accordingly, denies Paragraph 153.

154. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 154 and, accordingly, denies Paragraph 154. Defendant further denies that he breached any fiduciary duty.

155. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 155 and, accordingly, denies Paragraph 155.

156. Defendant denies any liability as stated in Paragraph 156. Defendant further denies that he owed the fiduciary duties as alleged and, alternatively, Defendant denies that he breached any fiduciary duty and/or the Royce Homes Partnership Agreement in any manner.

157. Defendant is without knowledge or information sufficient to form a belief about the

truth of Paragraph 157 and, accordingly, denies Paragraph 157. Defendant further denies that he caused or allowed Royce Homes to make any payments as alleged.

158. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 158 and, accordingly, denies Paragraph 158. Defendant further denies that he caused or allowed Royce Homes to make any payments as alleged.

159. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 159 and, accordingly, denies Paragraph 159.

160. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 160 and, accordingly, denies Paragraph 160.

161. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 161 and, accordingly, denies Paragraph 161.

162. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 162 and, accordingly, denies Paragraph 162. Defendant further denies owed the fiduciary duties as alleged and, alternatively, Defendant denies that he breached any fiduciary duty, failed to preserve adequate working capital reserves, and/or made any payments as alleged.

163. Defendant denies any liability as stated in Paragraph 163. Defendant further denies owed the fiduciary duties as alleged and, alternatively, Defendant denies that he breached any fiduciary duty and/or the Royce Homes Partnership Agreement in any manner.

164. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 164 and, accordingly, denies Paragraph 164.

165. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 165 and, accordingly, denies Paragraph 165.

166. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 166 and, accordingly, denies Paragraph 166.

167. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 167 and, accordingly, denies Paragraph 167.

168. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 168 and, accordingly, denies Paragraph 168.

169. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 169 and, accordingly, denies Paragraph 169. Defendant further denies owed the fiduciary duties as alleged and, alternatively, Defendant denies that he breached any fiduciary duty, failed to preserve adequate working capital reserves, and/or made any payments as alleged.

170. Defendant denies any liability as stated in Paragraph 170. Defendant further denies that he breached any fiduciary duty and/or the Royce Homes Partnership Agreement in any manner.

171. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 171 and, accordingly, denies Paragraph 171. Defendant further denies making any distributions to any party for any reason.

172. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 172 and, accordingly, denies Paragraph 172.

173. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 173 and, accordingly, denies Paragraph 173. Defendant further denies owed the fiduciary duties as alleged and, alternatively, Defendant denies that he breached any fiduciary duty, failed to preserve adequate working capital reserves, and/or made any distributions as alleged.

174. Defendant denies any liability as stated in Paragraph 174. Defendant further denies

owed the fiduciary duties as alleged and, alternatively, Defendant denies that he breached any fiduciary duty and/or the Royce Homes Partnership Agreement in any manner.

175. Defendant denies all damages and liability related thereto as set forth in Paragraph 175.

176. Defendant admits Paragraph 176 to the extent that the Trustee has asserted a claim for breach of fiduciary duty, as well as conspiracy, aiding and abetting, and acting in concert in the breach against the Defendant and other parties. However, Defendant denies that he participated in any alleged breach of fiduciary duty and denies that he conspired, aided and abetted, or acted in concert with any other party in a breach of fiduciary duty, and accordingly, denies any liability from any alleged breach of fiduciary duty.

177. Defendant denies that he acted in bad faith and denies that he knowingly breached the Partnership Agreement, as alleged in Paragraph 177.

178. Defendant admits Paragraph 178 as a general proposition of law, but not as to the specific facts of this case.

179. Paragraph 179 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 179.

180. Defendant admits that the plain terms of the documents construed, taking into account all plain terms, speak for themselves and will be construed by the Court. Defendant is without knowledge or information sufficient to form a belief about the truth of the characterization of the plain terms of the documents referenced in Paragraph 180, and, accordingly, denies such characterization of those documents in Paragraph 180.

181. Defendant admits that the plain terms of the documents construed, taking into account all plain terms, speak for themselves and will be construed by the Court. Defendant is without knowledge or information sufficient to form a belief about the truth of the characterization of the plain terms of the documents referenced in Paragraph 181, and, accordingly, denies such characterization of those documents in Paragraph 181.

182. Defendant admits that the plain terms of the documents construed, taking into account all plain terms, speak for themselves and will be construed by the Court. Defendant is without knowledge or information sufficient to form a belief about the truth of the characterization of the plain terms of the documents referenced in Paragraph 182, and, accordingly, denies such characterization of those documents in Paragraph 182.

183. Defendant admits that the plain terms of the documents construed, taking into account all plain terms, speak for themselves and will be construed by the Court. Defendant is without knowledge or information sufficient to form a belief about the truth of the characterization of the plain terms of the documents referenced in Paragraph 183, and, accordingly, denies such characterization of those documents in Paragraph 183.

184. Defendant denies the allegations of Paragraph 184.

185. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 185 and, accordingly, denies Paragraph 185.

186. Defendant denies the existence of the fiduciary duty as alleged and denies the allegations of Paragraph 186.

187. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 187 and, accordingly, denies Paragraph 187.

188. Paragraph 188 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 188.

189. Paragraph 189 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 189.

190. Defendant admits that the plain terms of the documents construed, taking into account all plain terms, speak for themselves and will be construed by the Court. Defendant is without knowledge or information sufficient to form a belief about the truth of the characterization of the plain terms of the documents referenced in Paragraph 190, and, accordingly, denies such characterization of those documents in Paragraph 190.

191. Defendant admits Paragraph 191.

192. Defendant denies the allegations of Paragraph 192 as to Defendant. Otherwise, Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 192 and, accordingly, denies Paragraph 192.

193. Defendant admits that the plain terms of the documents construed, taking into account all plain terms, speak for themselves and will be construed by the Court. Defendant is without knowledge or information sufficient to form a belief about the truth of the characterization of the plain terms of the documents referenced in Paragraph 193, and, accordingly, denies such characterization of those documents in Paragraph 193.

194. Defendant denies the allegations of Paragraph 194.

195. Defendant denies the allegations of Paragraph 195.

196. Paragraph 196 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 196.

197. Defendant denies the allegations of Paragraph 197.

198. Defendant denies the allegations of Paragraph 198.

199. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 199 and, accordingly, denies Paragraph 199.

200. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 200 and, accordingly, denies Paragraph 200.

201. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 201 and, accordingly, denies Paragraph 201.

202. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 202 and, accordingly, denies Paragraph 202.

203. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 203 and, accordingly, denies Paragraph 203.

204. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 204 and, accordingly, denies Paragraph 204.

205. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 205 and, accordingly, denies Paragraph 205.

206. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 206 and, accordingly, denies Paragraph 206.

207. Defendant is without knowledge or information sufficient to form a belief about the



truth of Paragraph 207 and, accordingly, denies Paragraph 207.

208. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 208 and, accordingly, denies Paragraph 208.

209. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 209 and, accordingly, denies Paragraph 209.

210. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 210 and, accordingly, denies Paragraph 210.

211. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 211 and, accordingly, denies Paragraph 211.

212. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 212 and, accordingly, denies Paragraph 212.

213. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 213 and, accordingly, denies Paragraph 213.

214. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 214 and, accordingly, denies Paragraph 214.

215. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 215 and, accordingly, denies Paragraph 215.

216. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 216 and, accordingly, denies Paragraph 216.

217. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 217 and, accordingly, denies Paragraph 217.

218. Defendant is without knowledge or information sufficient to form a belief about the

truth of Paragraph 218 and, accordingly, denies Paragraph 218.

219. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 219 and, accordingly, denies Paragraph 219.

220. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 220 and, accordingly, denies Paragraph 208.

221. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 221 and, accordingly, denies Paragraph 221.

222. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 222 and, accordingly, denies Paragraph 222.

223. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 223 and, accordingly, denies Paragraph 223.

224. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 224 and, accordingly, denies Paragraph 224.

225. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 225 and, accordingly, denies Paragraph 225.

226. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 226 and, accordingly, denies Paragraph 226.

227. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 227 and, accordingly, denies Paragraph 227.

228. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 228 and, accordingly, denies Paragraph 228.

229. Defendant is without knowledge or information sufficient to form a belief about the

truth of Paragraph 229 and, accordingly, denies Paragraph 229.

230. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 230 and, accordingly, denies Paragraph 230.

231. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 231 and, accordingly, denies Paragraph 231. Further, Defendant denies that he allowed any distributions as alleged.

232. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 232 and, accordingly, denies Paragraph 232.

233. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 233 and, accordingly, denies Paragraph 233.

234. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 234 and, accordingly, denies Paragraph 234.

235. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 235 and, accordingly, denies Paragraph 235.

236. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 236 and, accordingly, denies Paragraph 236.

237. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 237 and, accordingly, denies Paragraph 237.

238. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 238 and, accordingly, denies Paragraph 238.

239. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 239 and, accordingly, denies Paragraph 239.

240. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 240 and, accordingly, denies Paragraph 240.

241. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 241 and, accordingly, denies Paragraph 241.

242. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 242 and, accordingly, denies Paragraph 242.

243. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 243 and, accordingly, denies Paragraph 243.

244. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 244 and, accordingly, denies Paragraph 244.

245. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 245 and, accordingly, denies Paragraph 245.

246. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 246 and, accordingly, denies Paragraph 246.

247. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 247 and, accordingly, denies Paragraph 247. Further, Defendant denies that he allowed any distributions as alleged.

248. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 248 and, accordingly, denies Paragraph 248. Further, Defendant denies that he allowed any distributions as alleged.

249. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 249 and, accordingly, denies Paragraph 249.

250. Defendant admits Paragraph 250 to the extent that it represents an accurate quotation from the Defendant's prior lawsuit against John Speer, et al. Otherwise, Defendant denies Paragraph 250.

251. Defendant admits Paragraph 251 to the extent that the Trustee has asserted a claim for breach of fiduciary duty, as well as conspiracy, aiding and abetting, and acting in concert in the breach against parties other than the Defendant. Otherwise, Defendant denies Paragraph 251.

252. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 252 and, accordingly, denies Paragraph 252.

253. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 253 and, accordingly, denies Paragraph 253.

254. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 254 and, accordingly, denies Paragraph 254.

255. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 255 and, accordingly, denies Paragraph 255.

256. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 256 and, accordingly, denies Paragraph 256.

257. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 257 and, accordingly, denies Paragraph 257.

258. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 258 and, accordingly, denies Paragraph 258.

259. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 259 and, accordingly, denies Paragraph 259.

260. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 260 and, accordingly, denies Paragraph 260.

261. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 261 and, accordingly, denies Paragraph 261.

262. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 262 and, accordingly, denies Paragraph 262.

263. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 263 and, accordingly, denies Paragraph 263.

264. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 264 and, accordingly, denies Paragraph 264.

265. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 265 and, accordingly, denies Paragraph 265.

266. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 266 and, accordingly, denies Paragraph 266.

267. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 267 and, accordingly, denies Paragraph 267.

268. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 268 and, accordingly, denies Paragraph 268.

269. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 269 and, accordingly, denies Paragraph 269.

270. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 270 and, accordingly, denies Paragraph 270.

271. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 271 and, accordingly, denies Paragraph 271.

272. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 272 and, accordingly, denies Paragraph 272.

273. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 273 and, accordingly, denies Paragraph 273.

274. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 274 and, accordingly, denies Paragraph 274.

275. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 275 and, accordingly, denies Paragraph 275.

276. Defendant admits Paragraph 276 to the extent that the Trustee has asserted a claim for breach of fiduciary duty, as well as conspiracy, aiding and abetting, and acting in concert in the breach against the Defendant and other parties. However, Defendant denies that he participated in any breach of fiduciary duty, conspiracy, aiding and abetting and/or acting in concert as alleged in Paragraph 276.

277. Defendant denies that Mr. Kopecky was an officer of Royce Homes and Hammersmith Group, and denies that he owed any fiduciary duty, as alleged. Otherwise, Defendant is without knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 277 and, accordingly, denies Paragraph 277.

278. Defendant admits the allegations in Paragraph 278 to the extent that Watermark Land's initial purpose was to acquire property along coastal areas and develop resort properties, that it was organized in Delaware on or about December 14, 2005, that it qualified to operate in Texas on

or about April 21, 2006, and that Hammersmith Group was the General Partner. Otherwise, Defendant is without knowledge or information sufficient to form a belief about the truth of the remaining allegations in Paragraph 278, and, accordingly, denies the remaining allegations of Paragraph 278.

279. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 279 and, accordingly, denies Paragraph 279.

280. Defendant admits Paragraph 280 to the extent that Park Lake acquired lots in Pirates Beach on or about April 19, 2006. Otherwise Defendant is without knowledge or information sufficient to form a belief about the truth of the remaining allegations of Paragraph 280, and, accordingly, denies the remaining allegations of Paragraph 280.

281. Defendant admits Paragraph 281 to the extent that Watermark acquired lots in Pirates Beach from Park Lake. Otherwise Defendant is without knowledge or information sufficient to form a belief about the truth of the remaining allegations of Paragraph 281, and, accordingly, denies the remaining allegations of Paragraph 281.

282. Defendant admits Paragraph 282 to the extent that Watermark Land LP sold lots in Pirates Beach to Royce Homes in or around June of 2007. Otherwise Defendant is without knowledge or information sufficient to form a belief about the truth of the remaining allegations of Paragraph 282, and, accordingly, denies the remaining allegations of Paragraph 282.

283. Defendant admits Paragraph 283.

284. Defendant admits Paragraph 284.

285. Defendant admits Paragraph 285.

286. Defendant is without knowledge or information sufficient to form a belief about the



truth of Paragraph 286 and, accordingly, denies Paragraph 286.

287. Defendant denies the allegations of Paragraph 287.

288. Defendant admits Paragraph 288 to the extent that a portion of the consideration of the settlement between Mr. Kopecky and Mr. Speer was an interest in Watermark Land, LP. Otherwise, Defendant denies the remaining allegations of Paragraph 288.

289. Defendant admits Paragraph 289 to the extent that Mr. Kopecky would not become complicit in any scheme to defraud the Internal Revenue Service. Otherwise, Defendant denies the allegations of Paragraph 289.

290. Defendant admits Paragraph 290 to the extent that a portion of the consideration of the settlement between Mr. Kopecky and Mr. Speer was an interest in Watermark Land, LP. Otherwise, Defendant denies the remaining allegations of Paragraph 290.

291. Defendant admits Paragraph 291 to the extent that the Trustee is seeking to recover \$1.8 million. However, Defendant denies any liability as alleged.

292. Defendant admits Paragraph 292 to the extent that the Trustee has asserted a claim for breach of fiduciary duty, as well as conspiracy, aiding and abetting, and acting in concert in the breach against the Defendant and other parties. However, Defendant denies that he participated in any breach of fiduciary duty, conspiracy, aiding and abetting and/or acting in concert as alleged in Paragraph 292.

293. Defendant denies that Mr. Kopecky was an officer of Royce Homes and Hammersmith Group, and denies that he owed any fiduciary duty, as alleged. Otherwise, Defendant is without knowledge or information sufficient to form a belief about the truth of the remaining allegations is Paragraph 293 and, accordingly, denies Paragraph 293.

294. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 294 and, accordingly, denies Paragraph 294.

295. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 295 and, accordingly, denies Paragraph 295.

296. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 296 and, accordingly, denies Paragraph 296.

297. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 297 and, accordingly, denies Paragraph 297.

298. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 298 and, accordingly, denies Paragraph 298.

299. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 299 and, accordingly, denies Paragraph 299.

300. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 300 and, accordingly, denies Paragraph 300.

301. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 301 and, accordingly, denies Paragraph 301.

302. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 302 and, accordingly, denies Paragraph 302.

303. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 303 and, accordingly, denies Paragraph 303.

304. Defendant denies Paragraph 304 to the extent that it alleges that Mr. Kopecky participated in any breach of fiduciary duty. Otherwise, Defendant is without knowledge or

information sufficient to form a belief about the truth of the remaining allegations of Paragraph 304, and, accordingly, denies the remaining allegations of Paragraph 304.

305. Defendant admits Paragraph 305 to the extent that the Trustee is seeking to recover the difference between the consideration paid by Allard and the alleged fair market value of the houses transferred to Allard. However, Defendant denies any liability as alleged.

306. Defendant denies the allegations of Paragraph 306.

307. Defendant denies the allegations of Paragraph 307.

308. Defendant denies the allegations of Paragraph 308.

309. Defendant denies the allegations of Paragraph 309.

310. Defendant denies the allegations of Paragraph 310.

311. Defendant denies the allegations of Paragraph 311.

312. Defendant denies the allegations of Paragraph 312.

313. Defendant denies the allegations of Paragraph 313.

314. Defendant denies the allegations of Paragraph 314.

315. Defendant denies the allegations of Paragraph 315.

316. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 316 and, accordingly, denies Paragraph 316.

317. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 317 and, accordingly, denies Paragraph 317.

318. Defendant denies the allegations of Paragraph 318.

319. Defendant denies the allegations of Paragraph 319.

320. Defendant denies the allegations of Paragraph 320.

321. Defendant denies the allegations of Paragraph 321.

322. Defendant denies the allegations of Paragraph 322. Defendant denies any liability as alleged in Paragraph 322.

323. Defendant denies the allegations of Paragraph 323. Defendant denies any liability, as alleged in Paragraph 323.

324. Defendant denies Paragraph 324 to the extent that the Trustee files a claim against certain parties. Otherwise, Defendant is without knowledge or information sufficient to form a belief about the truth of the remaining allegations of Paragraph 324, and, accordingly, denies the remaining allegations of Paragraph 324.

325. Paragraph 325 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 325.

326. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 326 and, accordingly, denies Paragraph 326.

327. Paragraph 327 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 327.

328. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 328 and, accordingly, denies Paragraph 328.

329. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 329 and, accordingly, denies Paragraph 329.

330. Defendant admits that the plain terms of the documents construed, taking into account

all plain terms, speak for themselves and will be construed by the Court. Defendant is without knowledge or information sufficient to form a belief about the truth of the characterization of the plain terms of the documents referenced in Paragraph 330, and, accordingly, denies such characterization of those documents in Paragraph 330.

331. Defendant admits that the plain terms of the documents construed, taking into account all plain terms, speak for themselves and will be construed by the Court. Defendant is without knowledge or information sufficient to form a belief about the truth of the characterization of the plain terms of the documents referenced in Paragraph 331, and, accordingly, denies such characterization of those documents in Paragraph 331.

332. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 332 and, accordingly, denies Paragraph 332.

333. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 333 and, accordingly, denies Paragraph 333.

334. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 334 and, accordingly, denies Paragraph 334.

335. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 335 and, accordingly, denies Paragraph 335.

336. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 336 and, accordingly, denies Paragraph 336.

337. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 337 and, accordingly, denies Paragraph 337.

338. Defendant is without knowledge or information sufficient to form a belief about the

truth of Paragraph 338 and, accordingly, denies Paragraph 338.

339. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 339 and, accordingly, denies Paragraph 339.

340. Paragraph 340 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 340.

341. Paragraph 341 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 341.

342. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 342 and, accordingly, denies Paragraph 342.

343. Paragraph 343 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 343.

344. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 344 and, accordingly, denies Paragraph 344.

345. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 345 and, accordingly, denies Paragraph 345.

346. Defendant admits Paragraph 346 to the extent that the Trustee is seeking reimbursement from other parties. Otherwise, Defendant denies the allegations of Paragraph 346.

347. Defendant admits Paragraph 347 to the extent that the Trustee has filed a claim against other parties. Otherwise, Defendant denies the allegations of Paragraph 347.

348. Paragraph 348 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 348.

349. Paragraph 349 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 349.

350. Paragraph 350 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 350.

351. Paragraph 351 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 351.

352. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 352 and, accordingly, denies Paragraph 352.

353. Paragraph 353 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 353.

354. Paragraph 354 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 354.

355. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 355 and, accordingly, denies Paragraph 355.

356. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 356 and, accordingly, denies Paragraph 356.

357. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 357 and, accordingly, denies Paragraph 357.

358. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 358 and, accordingly, denies Paragraph 358.

359. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 359 and, accordingly, denies Paragraph 359.

360. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 360 and, accordingly, denies Paragraph 360.

361. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 361 and, accordingly, denies Paragraph 361.

362. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 362 and, accordingly, denies Paragraph 362.

363. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 363 and, accordingly, denies Paragraph 363.

364. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 364 and, accordingly, denies Paragraph 364.

365. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 365 and, accordingly, denies Paragraph 365.

366. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 366 and, accordingly, denies Paragraph 366.



367. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 367 and, accordingly, denies Paragraph 367.

368. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 368 and, accordingly, denies Paragraph 368.

369. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 369 and, accordingly, denies Paragraph 369.

370. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 370 and, accordingly, denies Paragraph 370.

371. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 371 and, accordingly, denies Paragraph 371.

372. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 372 and, accordingly, denies Paragraph 372.

373. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 373 and, accordingly, denies Paragraph 373.

374. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 374 and, accordingly, denies Paragraph 374.

375. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 375 and, accordingly, denies Paragraph 375.

376. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 376 and, accordingly, denies Paragraph 376.

377. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 377 and, accordingly, denies Paragraph 377.

378. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 378 and, accordingly, denies Paragraph 378.

379. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 379 and, accordingly, denies Paragraph 379.

380. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 380 and, accordingly, denies Paragraph 380.

381. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 381 and, accordingly, denies Paragraph 381.

382. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 382 and, accordingly, denies Paragraph 382.

383. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 383 and, accordingly, denies Paragraph 383.

384. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 384 and, accordingly, denies Paragraph 384.

385. Defendant admits Paragraph 385 to the extent that a dispute arose between Mr. Kopecky and Mr. Speer in 2008 and that the included quotation from a pleading in that dispute is an accurate quotation. Otherwise, Defendant denies the allegations of Paragraph 385.

386. Defendant admits Paragraph 386 to the extent that Mr. Kopecky alleged in his dispute that he was provided with incorrect financials. Otherwise, Defendant is without knowledge or information sufficient to form a belief about the truth of the remaining allegations of Paragraph 386, and, accordingly, denies the remaining allegations of Paragraph 386.

387. Defendant is without knowledge or information sufficient to form a belief about the

truth of Paragraph 387 and, accordingly, denies Paragraph 387.

388. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 388 and, accordingly, denies Paragraph 388.

389. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 389 and, accordingly, denies Paragraph 389.

390. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 390 and, accordingly, denies Paragraph 390.

391. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 391 and, accordingly, denies Paragraph 391.

392. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 392 and, accordingly, denies Paragraph 392.

393. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 393 and, accordingly, denies Paragraph 393.

394. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 394 and, accordingly, denies Paragraph 394.

395. Defendant admits Paragraph 395 to the extent that the Trustee is seeking declaratory relief from other parties. Otherwise, Defendant denies the allegations of Paragraph 395.

396. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 396 and, accordingly, denies Paragraph 396.

397. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 397 and, accordingly, denies Paragraph 397.

398. Defendant is without knowledge or information sufficient to form a belief about the

truth of Paragraph 398 and, accordingly, denies Paragraph 398.

399. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 399 and, accordingly, denies Paragraph 399.

400. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 400 and, accordingly, denies Paragraph 400.

401. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 401 and, accordingly, denies Paragraph 401.

402. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 402 and, accordingly, denies Paragraph 402.

403. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 403 and, accordingly, denies Paragraph 403.

404. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 404 and, accordingly, denies Paragraph 404.

405. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 405 and, accordingly, denies Paragraph 405.

406. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 406 and, accordingly, denies Paragraph 406.

407. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 407 and, accordingly, denies Paragraph 407.

408. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 408 and, accordingly, denies Paragraph 408.

409. Defendant is without knowledge or information sufficient to form a belief about the

truth of Paragraph 409 and, accordingly, denies Paragraph 409.

410. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 410 and, accordingly, denies Paragraph 410.

411. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 411 and, accordingly, denies Paragraph 411.

412. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 412 and, accordingly, denies Paragraph 412.

413. Defendant admits Paragraph 413 to the extent that the Trustee is seeking relief from other parties. Otherwise, Defendant denies the allegations of Paragraph 413.

414. Paragraph 414 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 414.

415. Paragraph 415 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 415.

416. Paragraph 416 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 416.

417. Paragraph 417 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 417.

418. Paragraph 418 contains Trustee's legal arguments to which no response is required.

To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 418.

419. Paragraph 419 contains Trustee's legal arguments to which no response is required.

To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 419.

420. Paragraph 420 contains Trustee's legal arguments to which no response is required.

To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 420.

421. Paragraph 421 contains Trustee's legal arguments to which no response is required.

To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 421.

422. Paragraph 422 contains Trustee's legal arguments to which no response is required.

To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 422.

423. Paragraph 423 contains Trustee's legal arguments to which no response is required.

To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 423.

424. Paragraph 424 contains Trustee's legal arguments to which no response is required.

To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 424.

425. Paragraph 425 contains Trustee's legal arguments to which no response is required.

To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph

425.

426. Paragraph 426 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 426.

427. Paragraph 427 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 427.

428. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 428 and, accordingly, denies Paragraph 428.

429. Paragraph 429 incorporates Paragraphs 198 to 250 by reference. Defendant admits or denies these incorporated paragraphs on the same basis in ¶¶ 198-250 above.

430. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 430 and, accordingly, denies Paragraph 430.

431. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 431 and, accordingly, denies Paragraph 431.

432. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 432 and, accordingly, denies Paragraph 432.

433. Paragraph 433 relies on facts set forth throughout Trustee's Complaint, specifically Paragraphs 198 to 250. Defendant admits or denies any relied upon Paragraphs on the same basis as set forth elsewhere in this Answer, and specifically in ¶¶ 198-250 above in response to relied upon Paragraphs 198 to 250.

434. Defendant is without knowledge or information sufficient to form a belief about the

truth of Paragraph 434 and, accordingly, denies Paragraph 434.

435. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 435 and, accordingly, denies Paragraph 435.

436. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 436 and, accordingly, denies Paragraph 436.

437. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 437 and, accordingly, denies Paragraph 437.

438. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 438 and, accordingly, denies Paragraph 438.

439. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 439 and, accordingly, denies Paragraph 439.

440. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 440 and, accordingly, denies Paragraph 440.

441. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 441 and, accordingly, denies Paragraph 441.

442. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 442 and, accordingly, denies Paragraph 442.

443. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 443 and, accordingly, denies Paragraph 443.

444. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 444 and, accordingly, denies Paragraph 444.

445. Defendant is without knowledge or information sufficient to form a belief about the



truth of Paragraph 445 and, accordingly, denies Paragraph 445.

446. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 446 and, accordingly, denies Paragraph 446.

447. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 447 and, accordingly, denies Paragraph 447.

448. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 448 and, accordingly, denies Paragraph 448.

449. Paragraph 449 incorporates all allegations as set forth by Trustee in the Complaint by reference. Defendant admits or denies these incorporated allegations on the same basis as set forth elsewhere herein.

450. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 450 and, accordingly, denies Paragraph 450.

451. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 451 and, accordingly, denies Paragraph 451.

452. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 452 and, accordingly, denies Paragraph 452.

453. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 453 and, accordingly, denies Paragraph 453.

454. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 454 and, accordingly, denies Paragraph 454.

455. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 455 and, accordingly, denies Paragraph 455.

456. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 456 and, accordingly, denies Paragraph 456.

457. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 457 and, accordingly, denies Paragraph 457.

458. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 458 and, accordingly, denies Paragraph 458.

459. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 459 and, accordingly, denies Paragraph 459.

460. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 460 and, accordingly, denies Paragraph 460.

461. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 461 and, accordingly, denies Paragraph 461.

462. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 462 and, accordingly, denies Paragraph 462.

463. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 463 and, accordingly, denies Paragraph 463.

464. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 464 and, accordingly, denies Paragraph 464.

465. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 465 and, accordingly, denies Paragraph 465.

466. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 466 and, accordingly, denies Paragraph 466.

467. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 467 and, accordingly, denies Paragraph 467.

468. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 468 and, accordingly, denies Paragraph 468.

469. Paragraph 469 incorporates all facts and allegations as set forth by Trustee in the Complaint by reference. Defendant admits or denies these incorporated facts and allegations on the same basis as set forth elsewhere herein.

470. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 470 and, accordingly, denies Paragraph 470.

471. Paragraph 471 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 471.

472. Paragraph 472 incorporates facts and allegations as set forth by Trustee in other portions of the Complaint. Defendant admits or denies these incorporated facts and allegations on the same basis as set forth elsewhere herein. Defendant is without knowledge or information sufficient to form a belief about the truth of the remaining allegations of Paragraph 472 and, accordingly, denies the remaining allegations of Paragraph 472.

473. Paragraph 473 incorporates facts and allegations as set forth by Trustee in other portions of the Complaint. Defendant admits or denies these incorporated facts and allegations on the same basis as set forth elsewhere herein. Defendant is without knowledge or information sufficient to form a belief about the truth of the remaining allegations of Paragraph 473 and, accordingly, denies the remaining allegations of Paragraph 473.

474. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 474 and, accordingly, denies Paragraph 474.

475. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 475 and, accordingly, denies Paragraph 475.

476. Paragraph 476 incorporates facts and allegations as set forth by Trustee in other portions of the Complaint. Defendant admits or denies these incorporated facts and allegations on the same basis as set forth elsewhere herein.

477. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 477 and, accordingly, denies Paragraph 477.

478. Paragraph 478 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 478.

479. Paragraph 479 incorporates facts and allegations as set forth by Trustee in other portions of the Complaint. Defendant admits or denies these incorporated facts and allegations on the same basis as set forth elsewhere herein. Otherwise, Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 479 and, accordingly, denies Paragraph 479.

480. Paragraph 480 incorporates facts and allegations as set forth by Trustee in other portions of the Complaint. Defendant admits or denies these incorporated facts and allegations on the same basis as set forth elsewhere herein. Otherwise, Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 480 and, accordingly, denies Paragraph 480.

481. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 481 and, accordingly, denies Paragraph 481.

482. Paragraph 482 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 482.

483. Paragraph 483 incorporates facts and allegations as set forth by Trustee in other portions of the Complaint. Defendant admits or denies these incorporated facts and allegations on the same basis as set forth elsewhere herein.

484. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 484 and, accordingly, denies Paragraph 484.

485. Paragraph 482 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 482.

486. Paragraph 486 incorporates facts and allegations as set forth by Trustee in other portions of the Complaint. Defendant admits or denies these incorporated facts and allegations on the same basis as set forth elsewhere herein. Otherwise, Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 480 and, accordingly, denies Paragraph 486.

487. Paragraph 487 incorporates facts and allegations as set forth by Trustee in other portions of the Complaint. Defendant admits or denies these incorporated facts and allegations on the same basis as set forth elsewhere herein. Otherwise, Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 487 and, accordingly, denies

Paragraph 487.

488. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 488 and, accordingly, denies Paragraph 488.

489. Paragraph 489 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 489.

490. Paragraph 490 incorporates facts and allegations as set forth by Trustee in other portions of the Complaint. Defendant admits or denies these incorporated facts and allegations on the same basis as set forth elsewhere herein.

491. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 491 and, accordingly, denies Paragraph 491.

492. Paragraph 492 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 492.

493. Paragraph 493 incorporates facts and allegations as set forth by Trustee in other portions of the Complaint. Defendant admits or denies these incorporated facts and allegations on the same basis as set forth elsewhere herein. Otherwise, Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 493 and, accordingly, denies Paragraph 493.

494. Paragraph 494 incorporates facts and allegations as set forth by Trustee in other portions of the Complaint. Defendant admits or denies these incorporated facts and allegations on the same basis as set forth elsewhere herein. Otherwise, Defendant is without knowledge or

information sufficient to form a belief about the truth of Paragraph 494 and, accordingly, denies Paragraph 494.

495. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 495 and, accordingly, denies Paragraph 495.

496. Paragraph 496 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 496.

497. Paragraph 497 incorporates facts and allegations as set forth by Trustee in other portions of the Complaint. Defendant admits or denies these incorporated facts and allegations on the same basis as set forth elsewhere herein.

498. Defendant admits Paragraph 498 to the extent that Trustee seeks alternatively to avoid and recover certain transfers. Otherwise, Defendant denies Paragraph 498.

499. Paragraph 499 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 499.

500. Paragraph 500 incorporates facts and allegations as set forth by Trustee in other portions of the Complaint. Defendant admits or denies these incorporated facts and allegations on the same basis as set forth elsewhere herein. Otherwise, Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 500 and, accordingly, denies Paragraph 500.

501. Paragraph 501 incorporates facts and allegations as set forth by Trustee in other portions of the Complaint. Defendant admits or denies these incorporated facts and allegations on

the same basis as set forth elsewhere herein. Otherwise, Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 501 and, accordingly, denies Paragraph 501.

502. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 502 and, accordingly, denies Paragraph 502.

503. Paragraph 503 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 503.

504. Paragraph 504 incorporates facts and allegations as set forth by Trustee in other portions of the Complaint. Defendant admits or denies these incorporated facts and allegations on the same basis as set forth elsewhere herein.

505. Defendant admits Paragraph 505 to the extent that the Trustee seeks to recover certain distributions and property. Otherwise, Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 505 and, accordingly, denies Paragraph 505.

506. Paragraph 506 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 506.

507. Paragraph 507 incorporates facts and allegations as set forth by Trustee in other portions of the Complaint. Defendant admits or denies these incorporated facts and allegations on the same basis as set forth elsewhere herein. Otherwise, Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 507 and, accordingly, denies Paragraph 507.



508. Paragraph 508 incorporates facts and allegations as set forth by Trustee in other portions of the Complaint. Defendant admits or denies these incorporated facts and allegations on the same basis as set forth elsewhere herein. Otherwise, Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 508 and, accordingly, denies Paragraph 508.

509. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 509 and, accordingly, denies Paragraph 509.

510. Paragraph 510 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 510.

511. Paragraph 511 incorporates facts and allegations as set forth by Trustee in other portions of the Complaint. Defendant admits or denies these incorporated facts and allegations on the same basis as set forth elsewhere herein.

512. Defendant admits Paragraph 512 to the extent that Defendant received approximately \$2,146,046. However, Defendant denies any liability to Trustee arising therefrom.

513. Paragraph 513 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 513.

514. Paragraph 514 incorporates facts and allegations as set forth by Trustee in other portions of the Complaint. Defendant admits or denies these incorporated facts and allegations on the same basis as set forth elsewhere herein. Defendant specifically denies any intent as alleged, and Defendant denies the allegations of Paragraph 514.

515. Paragraph 515 incorporates facts and allegations as set forth by Trustee in other portions of the Complaint. Defendant admits or denies these incorporated facts and allegations on the same basis as set forth elsewhere herein. Otherwise, Defendant denies the allegations of Paragraph 515.

516. Defendant denies the allegations of Paragraph 516.

517. Paragraph 517 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 517.

518. Paragraph 518 incorporates facts and allegations as set forth by Trustee in other portions of the Complaint. Defendant admits or denies these incorporated facts and allegations on the same basis as set forth elsewhere herein.

519. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 519 and, accordingly, denies Paragraph 519.

520. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 520 and, accordingly, denies Paragraph 520.

521. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 521 and, accordingly, denies Paragraph 521.

522. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 522 and, accordingly, denies Paragraph 522.

523. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 523 and, accordingly, denies Paragraph 523.

524. Paragraph 524 contains Trustee's legal arguments to which no response is required.

To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 524.

525. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 525 and, accordingly, denies Paragraph 525.

526. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 526 and, accordingly, denies Paragraph 526.

527. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 527 and, accordingly, denies Paragraph 527.

528. Paragraph 528 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 528.

529. Paragraph 529 incorporates facts and allegations as set forth by Trustee in other portions of the Complaint. Defendant admits or denies these incorporated facts and allegations on the same basis as set forth elsewhere herein. Otherwise, Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 529 and, accordingly, denies Paragraph 529.

530. Paragraph 530 incorporates facts and allegations as set forth by Trustee in other portions of the Complaint. Defendant admits or denies these incorporated facts and allegations on the same basis as set forth elsewhere herein. Otherwise, Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 530 and, accordingly, denies Paragraph 530.

531. Defendant is without knowledge or information sufficient to form a belief about the

truth of Paragraph 531 and, accordingly, denies Paragraph 531.

532. Paragraph 532 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 532.

533. Paragraph 533 incorporates facts and allegations as set forth by Trustee in other portions of the Complaint. Defendant admits or denies these incorporated facts and allegations on the same basis as set forth elsewhere herein.

534. Defendant admits Paragraph 534 to the extent that the Trustee seeks to avoid transactions and recover certain value allegedly received. Otherwise, Defendant denies Paragraph 534.

535. Paragraph 535 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 535.

536. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 536 and, accordingly, denies Paragraph 536.

537. Paragraph 537 incorporates facts and allegations as set forth by Trustee in other portions of the Complaint. Defendant admits or denies these incorporated facts and allegations on the same basis as set forth elsewhere herein. Otherwise, Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 537 and, accordingly, denies Paragraph 537.

538. Paragraph 538 incorporates facts and allegations as set forth by Trustee in other portions of the Complaint. Defendant admits or denies these incorporated facts and allegations on

the same basis as set forth elsewhere herein. Otherwise, Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 538 and, accordingly, denies Paragraph 538.

539. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 539 and, accordingly, denies Paragraph 539.

540. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 540 and, accordingly, denies Paragraph 540.

541. Paragraph 541 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 541.

542. Paragraph 542 incorporates facts and allegations as set forth by Trustee in other portions of the Complaint. Defendant admits or denies these incorporated facts and allegations on the same basis as set forth elsewhere herein.

543. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 543 and, accordingly, denies Paragraph 543.

544. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 544 and, accordingly, denies Paragraph 544.

545. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 545 and, accordingly, denies Paragraph 545.

546. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 546 and, accordingly, denies Paragraph 546.

547. Defendant is without knowledge or information sufficient to form a belief about the

truth of Paragraph 547 and, accordingly, denies Paragraph 547.

548. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 548 and, accordingly, denies Paragraph 548.

549. Paragraph 549 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 549.

550. Paragraph 550 incorporates facts and allegations as set forth by Trustee in other portions of the Complaint. Defendant admits or denies these incorporated facts and allegations on the same basis as set forth elsewhere herein. Otherwise, Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 550 and, accordingly, denies Paragraph 550.

551. Paragraph 551 incorporates facts and allegations as set forth by Trustee in other portions of the Complaint. Defendant admits or denies these incorporated facts and allegations on the same basis as set forth elsewhere herein. Otherwise, Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 551 and, accordingly, denies Paragraph 551.

552. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 552 and, accordingly, denies Paragraph 552.

553. Paragraph 553 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 553.

554. Paragraph 554 incorporates facts and allegations as set forth by Trustee in other

portions of the Complaint. Defendant admits or denies these incorporated facts and allegations on the same basis as set forth elsewhere herein.

555. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 555 and, accordingly, denies Paragraph 555.

556. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 556 and, accordingly, denies Paragraph 556.

557. Defendant admits Paragraph 557 to the extent that the Trustee seeks to avoid and recover the stated alleged transfer. Otherwise, Defendant denies Paragraph 557.

558. Paragraph 558 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 558.

559. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 559 and, accordingly, denies Paragraph 559.

560. Paragraph 560 incorporates facts and allegations as set forth by Trustee in other portions of the Complaint. Defendant admits or denies these incorporated facts and allegations on the same basis as set forth elsewhere herein. Otherwise, Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 560 and, accordingly, denies Paragraph 560.

561. Paragraph 561 incorporates facts and allegations as set forth by Trustee in other portions of the Complaint. Defendant admits or denies these incorporated facts and allegations on the same basis as set forth elsewhere herein. Otherwise, Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 561 and, accordingly, denies

Paragraph 561.

562. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 562 and, accordingly, denies Paragraph 562.

563. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 563 and, accordingly, denies Paragraph 563.

564. Paragraph 564 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 564.

565. Paragraph 565 incorporates facts and allegations as set forth by Trustee in other portions of the Complaint. Defendant admits or denies these incorporated facts and allegations on the same basis as set forth elsewhere herein.

566. Paragraph 566 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 566.

567. Defendant denies the allegations of Paragraph 567 as they relate to Defendant. Otherwise, Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 567 and, accordingly, denies Paragraph 567.

568. Paragraph 568 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 568.

569. Paragraph 569 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph



569.

570. Paragraph 570 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 570.

571. Paragraph 571 incorporates facts and allegations as set forth by Trustee in other portions of the Complaint. Defendant admits or denies these incorporated facts and allegations on the same basis as set forth elsewhere herein.

572. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 572 and, accordingly, denies Paragraph 572.

573. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 573 and, accordingly, denies Paragraph 573.

574. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 574 and, accordingly, denies Paragraph 574.

575. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 575 and, accordingly, denies Paragraph 575.

576. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 576 and, accordingly, denies Paragraph 576.

577. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 577 and, accordingly, denies Paragraph 577.

578. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 578 and, accordingly, denies Paragraph 578.

579. Defendant is without knowledge or information sufficient to form a belief about the

truth of Paragraph 579 and, accordingly, denies Paragraph 579.

580. Paragraph 580 contains Trustee's legal arguments to which no response is required. To the extent that a responsive pleading is necessary, Defendant denies the allegations of Paragraph 580.

581. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 581 and, accordingly, denies Paragraph 581.

582. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 582 and, accordingly, denies Paragraph 582.

583. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 583 and, accordingly, denies Paragraph 583.

584. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 584 and, accordingly, denies Paragraph 584.

585. Defendant admits Paragraph 585 to the extent that the Trustee is seeking an equitable lien, constructive trust and turnover order. Otherwise, Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 585 and, accordingly, denies Paragraph 585.

586. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 586 and, accordingly, denies Paragraph 586.

587. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 587 and, accordingly, denies Paragraph 587.

588. Defendant admits Paragraph 588 to the extent that the Trustee is seeking an equitable lien and constructive trust. Otherwise, Defendant is without knowledge or information sufficient to

form a belief about the truth of Paragraph 588 and, accordingly, denies Paragraph 588.

589. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 589 and, accordingly, denies Paragraph 589.

590. Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 590 and, accordingly, denies Paragraph 590.

591. Defendant admits Paragraph 591 to the extent that the Trustee is seeking an equitable lien and constructive trust. Otherwise, Defendant is without knowledge or information sufficient to form a belief about the truth of Paragraph 591 and, accordingly, denies Paragraph 591.

592. Defendant generally denies any allegation that has not been expressly admitted.

#### **RESPONSE TO COMPLAINT PRAYER**

1. Defendant denies that the Trustee is entitled to any relief sought in the Prayer for Relief and Paragraph 1(a)-(r).

2. Defendant denies that the Trustee is entitled to any relief sought in the Prayer for Relief and Paragraph 2(a)-(f).

3. Defendant denies that the Trustee is entitled to any relief sought in the Prayer for Relief and Paragraph 3(a)-(i).

4. Defendant denies that the Trustee is entitled to any relief sought in the Prayer for Relief and Paragraph 4(a)-(q).

5. Defendant denies that the Trustee is entitled to any relief sought in the Prayer for Relief and Paragraph 5(a)-(c).

6. Defendant denies that the Trustee is entitled to any relief sought in the Prayer for Relief and Paragraph 6(a)-(p).

7. Defendant denies that the Trustee is entitled to any relief sought in the Prayer for Relief and Paragraph 7(a)-(d).

8. Defendant denies that the Trustee is entitled to any relief sought in the Prayer for Relief and Paragraph 8(a)-(c).

9. Defendant denies that the Trustee is entitled to any relief sought in the Prayer for Relief and Paragraph 9(a)-(c).

10. Defendant denies that the Trustee is entitled to any relief sought in the Prayer for Relief and Paragraph 10(a)-(c).

11. Defendant denies that the Trustee is entitled to any relief sought in the Prayer for Relief and Paragraph 11(a)-(j).

12. Defendant denies Paragraph 12.

13. Defendant generally denies any allegation that has not been expressly admitted.

#### **DEFENSES AND AFFIRMATIVE DEFENSES**

1. The Trustee has stated claims upon which relief may not be granted. The Trustee has stated claims which are frivolous.

2. Alternatively, in the unlikely event, the Trustee has stated any alleged claims, then the Trustee has stated alleged claims upon which Defendant is entitled to a jury trial. Defendant does not consent to a jury trial in this Court. The reference should be withdrawn.

3. Alternatively, the Trustee is precluded from recovery, in whole or in part, by the doctrines of release, accord and satisfaction, settlement, and issue and claims preclusion and by the failure of the Trustee to comply with the terms of the settlement agreement. Alternatively, in the unlikely event the settlement is not enforced, then the Trustee owes Defendant for the full value of

Defendant's right, title and interest in Texas Colonial Homes.

4. Alternatively, Defendant denies that he owed the duties which the Trustee alleges that Defendant owes. Alternatively, Defendant denies that he breached any duties owed.

5. Alternatively, Defendant asserts that any funds distributed to Defendant were funds of Texas Colonial Homes and not the Debtor which, at the time of the respective distributions, held such funds in trust or for the benefit of Texas Colonial Homes.

6. Alternatively, the Trustee is precluded from recovery, in whole or in part, because Defendant was not a partner of Royce Homes, L.P., thereby negating any claims for breach of partnership agreement.

7. Alternatively, the Trustee is precluded from recovery, in whole or on part, because Defendant did not have knowledge as alleged of the alleged wrongful acts or conduct (if proved to be true).

8. Alternatively, the Trustee is precluded from recovery, in whole or on part, because Defendant's scope of any alleged responsibilities did not embrace the areas of alleged wrongful conduct or the authority to act on such alleged matters (if proved to be true).

9. Alternatively, Defendant did not have the alleged actual or imputed knowledge.

10. Alternatively, Defendant asserts all affirmative defenses available under the Texas Business and Commerce Code.

11. Alternatively, Defendant asserts all affirmative defenses available under 6 Del.C. §§1304, 1305 and 1309 (DUFTA).

12. Alternatively, Defendant asserts that Trustee's fraudulent transfer claims are barred, in whole or in part, because the Debtor was not insolvent at the time of the alleged transfers as alleged.

13. Alternatively, Defendant asserts that the property, the subject of which constituted the alleged transfers, was not property of the estate as alleged.

14. Alternatively, Defendant asserts the affirmative defense of limitation to the extent it seeks recovery on allegations that are time barred by statute.

15. Alternatively, the Trustee is precluded from recovery, in whole or on part, under the business judgment rule.

16. Alternatively, the Trustee is precluded from recovery, in whole or on part, under the doctrines of justification and privilege.

17. Alternatively, the Trustee is precluded from recovery, in whole or on part, under the doctrine of ratification.

18. Alternatively, the Trustee is precluded from recovery, in whole or on part, under the doctrines of laches, waiver, estoppel, bad faith, and/or unclean hands.

19. Alternatively, the Trustee is precluded from recovery, in whole or in part, under the principles of comparative fault and causation.

20. Alternatively, Defendant did not engage in the alleged conduct which must exist for any of the alleged claims.

21. Alternatively, Defendant did not receive any notice required for any alleged liability.

22. Alternatively, there is no cause of action for conspiracy to breach a contract or for aiding and abetting in the breach of a contract.

23. Alternatively, with regard to any fraud claims against Defendant, no representations by Defendant form the basis of the alleged fraud claims.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that the Court deny the relief sought by Trustee against Defendant, and that the Court grant judgment for all available whole, partial, general, specific, legal, equitable, statutory or other relief to which he may be justly entitled.

Respectfully submitted,

/s/ Marc J. Magids .

MARC J. MAGIDS

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing Defendant George Kopecky's Original Answer to Trustee's Original Complaint was served on the parties required by Local Bankruptcy Rule in this case, either by mailing a copy of the same to all parties entitled to notice by regular U.S. mail postage prepaid or by electronic notice pursuant to the Local Bankruptcy Rules on May 31, 2011.

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VIA ECF

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